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Perman & Green, LLP 99 Hawley Lane Stratford, CT 06614			EXAMINER GREY, CHRISTOPHER P	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/027,868	Applicant(s) HYVARINEN ET AL.	
	Examiner CHRISTOPHER P. GREY	Art Unit 2416	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6/10/09.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-11,18-25,27 and 28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-11,18-25,27 and 28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. In view of applicant's amendment filed 12/02/08, the status of the application is still pending with respect to claims 1-3, 5-11, 18-25 and 27-28.

Response to Arguments

2. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 5, 6, 7, 18, 20-25, 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guilford et al. (US 7433929), hereinafter referred to as Gui in view of Sug (US 6678526).

Regarding claim 1, Gui discloses attaching a mobile station (**fig 2, Mobile device 12**) to a first network (**fig 2,52, 2G network**) and transmitting a first data transmission service request (**Col 14 lines 17-29 shows a service request to a service provider**) for communication with a terminal (**Col 1 lines 40-55, where data signals are communicated to PSTN or packet switched network devices**);

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receiving a message (**Col 14 lines 17-29, home network transmits a signal instructing the wireless device 12 to reregister**) from the first network (**fig 2, 52, 2G network which is equivalent to the home network taught in Col 14 lines 17-29**) at the mobile station (**Col 14 lines 17-29 and fig 2, wireless device 12**) in response to the data transmission service not being providable (**Col 14 lines 17-29, the home network cannot optimally service the request and Col 11 lines 54-60, where the requested service cannot be supported if a predetermined parameter level is not reached**) substantially in accordance with the service request (**Col 14 lines 17-18 shows a service request**) and/or the terminal not being reachable via the first network (**Col 14 lines 17-29, where the service request is not optimal in the home network**); and

receiving the requested service (**Col 12 lines 44-47, where the wireless device 12 received the service requested on the second network or platform**) from the second network (**Col 14 lines 17-29, where a different network is assigned**) when the data transmission service (**Col 14 lines 17-19, service request requests a data tx service**) is not providable (**Col 14 lines 17-29, the home network cannot optimally service the request and Col 11 lines 54-60, where the requested service cannot be supported if a predetermined parameter level is not reached**) substantially in accordance with at least one of the service request (**Col 14 lines 17-18 shows a service request**) and the terminal is not reachable via the first network (**Col 14 lines 17-29, where the service request is not optimal in the home network**).

Gui teaches the wireless device having the capability to direct different service requests over different networks or platforms.

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However, Gui does not specifically disclose transmitting a second service request from the mobile station to a second network in response to said message received from the first network

Sug discloses transmitting a second service request (**Col 3 lines 65-Col 4 lines 2, service request is issued once the subscriber is notified of the congestion condition**) from the mobile station (**fig 1, MS 10**) to a second network (**fig 1, 6, packet switched network**) in response to said message received from the first network (**Col 3 lines 65-67, where the subscriber 10 initiates the second request upon being notified of the congestion condition experienced in the circuit switched network**).

It would have been obvious to one of the ordinary skill in the art at the time of the invention was disclosed to modify the redirection process of Gui, as taught by Sug, since stated in Col 1 lines 47-59, that such a modification will alleviate time-consumption and frustration.

Regarding claim 2, Gui does not specifically disclose wherein a primary network is determined in the mobile station as said first network, the primary network determined in the mobile station is checked when a need arises to transfer data between the terminal and the mobile station, and the availability of the requested data transmission service and the reachability of the terminal in the primary network are first checked in response to the mobile station being located in the coverage area of the primary network

Sug discloses wherein a primary network is determined in the mobile station as said first network (**fig 1, 4, the circuit switched network is determined to be the primary network**), the primary network determined in the mobile station is checked when a need arises to transfer data

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between the terminal and the mobile station (**Col 3 lines 40-45, setup messages is used to initiate voice call, and the setup message performs the checking**), and the availability of the requested data transmission service and the reachability of the terminal in the primary network (**availability is determined within the circuit switched network according to Col 3 lines 52-55**) are first checked in response to the mobile station being located in the coverage area of the primary network (**Col 3 lines 33-35, the MS is operating in the system 2, thus in the coverage area**).

It would have been obvious to one of the ordinary skill in the art at the time of the invention was disclosed to modify the redirection process of Gui, as taught by Sug, since stated in Col 1 lines 47-59, that such a modification will alleviate time-consumption and frustration.

Regarding claim 5, Gui discloses said response message comprising a command to reregister to another network (**Col 14 lines 25-30, see home network sends a signal instructing wireless device to reregister to fulfill service request**).

Gui does not specifically disclose transmitting the service request to another network.

Sug discloses transmitting the service request to another network (**Col 3 lines 65-67, where the subscriber 10 initiates the second request upon being notified of the congestion condition experienced in the circuit switched network**).

It would have been obvious to one of the ordinary skill in the art at the time of the invention was disclosed to modify the redirection process of Gui, as taught by Sug, since stated in Col 1 lines 47-59, that such a modification will alleviate time-consumption and frustration.

Regarding claim 6, Gui discloses wherein the first network determines the second network to which the mobile station should send the service request, said message comprises a

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command to service the request in the second network, and the servicing of the request is done in the second network determined in said message

(Col 14 lines 44-47, home network determines network selection to optimally service the request).

Gui does not specifically disclose transmitting the service request to another network.

Sug discloses transmitting the service request to another network **(Col 3 lines 65-67, where the subscriber 10 initiates the second request upon being notified of the congestion condition experienced in the circuit switched network).**

It would have been obvious to one of the ordinary skill in the art at the time of the invention was disclosed to modify the redirection process of Gui, as taught by Sug, since stated in Col 1 lines 47-59, that such a modification will alleviate time-consumption and frustration.

Regarding claim 7, Gui discloses wherein the mobile station maintains a list of second networks from which services are sought **(Col 8 lines 25-30, where the wireless device stores a table that provides a list of service providers),**

the mobile station determines in response to said message **(Col 14 lines 25-29, transmits a signal instructing...),** the second network to which the second service request should be transmitted **(Col 14 lines 30-36, establishing a secondary registration).**

Gui teaches reregistering to a secondary network/provider in order to redirect the servicing of the request based on the list **(according to Col 8 lines 25-35).**

Gui does not specifically disclose the second service request is transmitted to the second network.

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Sug discloses the second service request is transmitted to the second network (**Col 3 lines 65-67, where the subscriber 10 initiates the second request upon being notified of the congestion condition experienced in the circuit switched network**).

It would have been obvious to one of the ordinary skill in the art at the time of the invention was disclosed to modify the redirection process of Gui, as taught by Sug, since stated in Col 1 lines 47-59, that such a modification will alleviate time-consumption and frustration.

Regarding claim 18, Sug discloses a transmitter (**fig 2, Mobile device 12**) configured to transmit a first service request (**Col 14 lines 17-29 shows a service request to a service provider**) to a first network (**fig 2, 2G network**) in response to the apparatus being attached to the first network (**fig 7b, wireless device is registered/attached to home network in 90**) and data transmission (**Col 2 lines 3-10, voice, data, etc.**) being desired between the apparatus (**fig 2, Mobile device 12**) and a terminal (**Col 1 lines 40-55, where data signals are communicated to PSTN or packet switched network devices**),

receiving the requested service (**Col 12 lines 44-47, where the wireless device 12 received the service requested on the second network or platform**) from the second network (**Col 14 lines 17-29, where a different network is assigned**) when the data transmission service (**Col 14 lines 17-19, service request requests a data tx service**) is not providable (**Col 14 lines 17-29, the home network cannot optimally service the request and Col 11 lines 54-60, where the requested service cannot be supported if a predetermined parameter level is not reached**) substantially in accordance with at least one of the service request (**Col 14 lines 17-18 shows a service request**) and the terminal is not reachable via the first network (**Col 14 lines 17-29, where the service request is not optimal in the home network**).

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Sug does not specifically disclose wherein the is further configured to transmit a second service request to the second network in response to at least one of the data transmission service not being providable in the first network substantially in accordance with the first service request and the terminal not being reachable via the first network.

wherein the transmitter (**fig 2, Mobile device 12**) is further configured to transmit a second service request (**Col 3 lines 65-Col 4 lines 2, service request is issued once the subscriber is notified of the congestion condition**) to the second network (**fig 1, 6, packet switched network**) in response to at least one of the data transmission service not being providable (**Col 3 lines 52-55, radio channels are unavailable, thus service is not providable**) in the first network (**fig 1, circuit switched network 4**) substantially in accordance with the first service request (**Col 3 lines 42, set up request**) and the terminal not being reachable (**Col 3 lines 52-63, channels are unavailable, thus the terminal is not reachable via the circuit switched network**) via the first network (**fig 1, circuit switched network 4**).

It would have been obvious to one of the ordinary skill in the art at the time of the invention was disclosed to modify the redirection process of Gui, as taught by Sug, since stated in Col 1 lines 47-59, that such a modification will alleviate time-consumption and frustration.

Regarding claim 20, Gui discloses wherein the mobile station maintains a list of second networks from which services are sought (**Col 8 lines 25-30, where the wireless device stores a table that provides a list of service providers**),

the mobile station determines in response to said message (**Col 14 lines 25-29, transmits a signal instructing...**), the second network to which the second service request should be transmitted (**Col 14 lines 30-36, establishing a secondary registration**).

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Gui teaches reregistering to a secondary network/provider in order to redirect the servicing of the request based on the list **(according to Col 8 lines 25-35).**

Gui does not specifically disclose the second service request is transmitted to the second network.

Sug discloses the second service request is transmitted to the second network **(Col 3 lines 65-67, where the subscriber 10 initiates the second request upon being notified of the congestion condition experienced in the circuit switched network).**

It would have been obvious to one of the ordinary skill in the art at the time of the invention was disclosed to modify the redirection process of Gui, as taught by Sug, since stated in Col 1 lines 47-59, that such a modification will alleviate time-consumption and frustration.

Regarding claim 21, Gui discloses attaching a mobile station **(fig 2, Mobile device 12)** to a first network **(fig 2,52, 2G network)** and transmitting a first data transmission service request **(Col 14 lines 17-29 shows a service request to a service provider)** for communication with a terminal **(Col 1 lines 40-55, where data signals are communicated to PSTN or packet switched network devices);**

receiving a message **(Col 14 lines 17-29, home network transmits a signal instructing the wireless device 12 to reregister)** from the first network **(fig 2,52, 2G network which is equivalent to the home network taught in Col 14 lines 17-29)** at the mobile station **(Col 14 lines 17-29 and fig 2, wireless device 12)** in response to the data transmission service not being providable **(Col 14 lines 17-29, the home network cannot optimally service the request and Col 11 lines 54-60, where the requested service cannot be supported if a predetermined parameter level is not reached)** substantially in accordance with the service request **(Col 14**

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lines 17-18 shows a service request) and/or the terminal not being reachable via the first network **(Col 14 lines 17-29, where the service request is not optimal in the home network);** and

receiving the requested service **(Col 12 lines 44-47, where the wireless device 12 received the service requested on the second network or platform)** from the second network (Col 14 lines 17-29, where a different network is assigned) when the data transmission service (Col 14 lines 17-19, service request requests a data tx service) is not providable **(Col 14 lines 17-29, the home network cannot optimally service the request and Col 11 lines 54-60, where the requested service cannot be supported if a predetermined parameter level is not reached)** substantially in accordance with at least one of the service request **(Col 14 lines 17-18 shows a service request)** and the terminal is not reachable via the first network **(Col 14 lines 17-29, where the service request is not optimal in the home network).**

Gui teaches the wireless device having the capability to direct different service requests over different networks or platforms.

However, Gui does not specifically disclose transmitting a second service request from the mobile station to a second network in response to said message received from the first network

Sug discloses transmitting a second service request **(Col 3 lines 65-Col 4 lines 2, service request is issued once the subscriber is notified of the congestion condition)** from the mobile station **(fig 1, MS 10)** to a second network **(fig 1, 6, packet switched network)** in response to said message received from the first network **(Col 3 lines 65-67, where the subscriber 10**

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initiates the second request upon being notified of the congestion condition experienced in the circuit switched network).

It would have been obvious to one of the ordinary skill in the art at the time of the invention was disclosed to modify the redirection process of Gui, as taught by Sug, since stated in Col 1 lines 47-59, that such a modification will alleviate time-consumption and frustration.

Regarding claim 22, Gui discloses wherein the first network determines the second network to which the mobile station should send the service request, said message comprises a command to service the request in the second network, and the servicing of the request is done in the second network determined in said message

(Col 14 lines 44-47, home network determines network selection to optimally service the request).

Gui does not specifically disclose transmitting the service request to another network.

Sug discloses transmitting the service request to another network **(Col 3 lines 65-67, where the subscriber 10 initiates the second request upon being notified of the congestion condition experienced in the circuit switched network).**

It would have been obvious to one of the ordinary skill in the art at the time of the invention was disclosed to modify the redirection process of Gui, as taught by Sug, since stated in Col 1 lines 47-59, that such a modification will alleviate time-consumption and frustration.

Regarding claim 23, Gui discloses wherein the apparatus supports wireless local area network communications **(packet switched networks shown in fig 2, where LAN is an example of such a network).**

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Regarding claim 24, Gui discloses wherein the apparatus is configured to operate as part of a network element (**fig 2, mobile device**).

Regarding claim 25, Sug discloses a transmitter (**fig 2, Mobile device 12**) configured to transmit a first service request (**Col 14 lines 17-29 shows a service request to a service provider**) to a first network (**fig 2,52, 2G network**) in response to the apparatus being attached to the first network (**fig 7b, wireless device is registered/attached to home network in 90**) and data transmission (**Col 2 lines 3-10, voice, data, etc.**) being desired between the apparatus (**fig 2, Mobile device 12**) and a terminal (**Col 1 lines 40-55, where data signals are communicated to PSTN or packet switched network devices**),

receiving the requested service (**Col 12 lines 44-47, where the wireless device 12 received the service requested on the second network or platform**) from the second network (**Col 14 lines 17-29, where a different network is assigned**) when the data transmission service (**Col 14 lines 17-19, service request requests a data tx service**) is not providable (**Col 14 lines 17-29, the home network cannot optimally service the request and Col 11 lines 54-60, where the requested service cannot be supported if a predetermined parameter level is not reached**) substantially in accordance with at least one of the service request (**Col 14 lines 17-18 shows a service request**) and the terminal is not reachable via the first network (**Col 14 lines 17-29, where the service request is not optimal in the home network**).

Sug does not specifically disclose wherein the is further configured to transmit a second service request to the second network in response to at least one of the data transmission service

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not being providable in the first network substantially in accordance with the first service request and the terminal not being reachable via the first network.

wherein the transmitter (**fig 2, Mobile device 12**) is further configured to transmit a second service request (**Col 3 lines 65-Col 4 lines 2, service request is issued once the subscriber is notified of the congestion condition**) to the second network (**fig 1, 6, packet switched network**) in response to at least one of the data transmission service not being providable (**Col 3 lines 52-55, radio channels are unavailable, thus service is not providable**) in the first network (**fig 1, circuit switched network 4**) substantially in accordance with the first service request (**Col 3 lines 42, set up request**) and the terminal not being reachable (**Col 3 lines 52-63, channels are unavailable, thus the terminal is not reachable via the circuit switched network**) via the first network (**fig 1, circuit switched network 4**).

It would have been obvious to one of the ordinary skill in the art at the time of the invention was disclosed to modify the redirection process of Gui, as taught by Sug, since stated in Col 1 lines 47-59, that such a modification will alleviate time-consumption and frustration.

Regarding claim 27, Gui discloses means for determining the network to which the mobile station should transmit the service request (**Col 15 lines 5-8, the request is first sent to the current service provider**).

Regarding claim 28, Gui discloses computer program code for attaching a mobile station (**fig 2, Mobile device 12**) to a first network (**fig 2, 52, 2G network**) and transmitting a first data transmission service request (**Col 14 lines 17-29 shows a service request to a service provider**) for communication with a terminal (**Col 1 lines 40-55, where data signals are communicated to PSTN or packet switched network devices**);

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receiving a message (**Col 14 lines 17-29, home network transmits a signal instructing the wireless device 12 to reregister**) from the first network (**fig 2,52, 2G network which is equivalent to the home network taught in Col 14 lines 17-29**) at the mobile station (**Col 14 lines 17-29 and fig 2, wireless device 12**) in response to the data transmission service not being providable (**Col 14 lines 17-29, the home network cannot optimally service the request and Col 11 lines 54-60, where the requested service cannot be supported if a predetermined parameter level is not reached**) substantially in accordance with the service request (**Col 14 lines 17-18 shows a service request**) and/or the terminal not being reachable via the first network (**Col 14 lines 17-29, where the service request is not optimal in the home network**); and

receiving the requested service (**Col 12 lines 44-47, where the wireless device 12 received the service requested on the second network or platform**) from the second network (**Col 14 lines 17-29, where a different network is assigned**) when the data transmission service (**Col 14 lines 17-19, service request requests a data tx service**) is not providable (**Col 14 lines 17-29, the home network cannot optimally service the request and Col 11 lines 54-60, where the requested service cannot be supported if a predetermined parameter level is not reached**) substantially in accordance with at least one of the service request (**Col 14 lines 17-18 shows a service request**) and the terminal is not reachable via the first network (**Col 14 lines 17-29, where the service request is not optimal in the home network**).

Gui teaches the wireless device having the capability to direct different service requests over different networks or platforms.

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However, Gui does not specifically disclose transmitting a second service request from the mobile station to a second network in response to said message received from the first network

Sug discloses transmitting a second service request (**Col 3 lines 65-Col 4 lines 2, service request is issued once the subscriber is notified of the congestion condition**) from the mobile station (**fig 1, MS 10**) to a second network (**fig 1, 6, packet switched network**) in response to said message received from the first network (**Col 3 lines 65-67, where the subscriber 10 initiates the second request upon being notified of the congestion condition experienced in the circuit switched network**).

It would have been obvious to one of the ordinary skill in the art at the time of the invention was disclosed to modify the redirection process of Gui, as taught by Sug, since stated in Col 1 lines 47-59, that such a modification will alleviate time-consumption and frustration.

5. Claims 3, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guilford et al. (US 7433929) in view of Sugirtharaj (US 6678526), hereinafter referred to as Sug in view of Roberts et al. (US 7181201), hereinafter referred to as Roberts.

Regarding claim 3, Gui discloses a service request being transmitted to a second network as disclosed in the rejection of claim 1.

The combination of Gui and Sug do not specifically disclose wherein the mobile station checks whether the terminal belongs to the first network in response to the mobile station being attached to the first network and data transmission being desired between the mobile station and the terminal.

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Roberts discloses wherein the mobile station checks whether the terminal belongs to the first network in response to the mobile station being attached to the first network and data transmission being desired between the mobile station and the terminal (**fig 6 Col 4 lines 4-28, wherein the base station system determines the location of a called party/terminal, where the called party is attached to the network if the location is found in the database. Roberts also discloses communicating back to the mobile station the result of the location request).**

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the combined teachings of Gui and Sug so as to implement to location query of the called party as disclosed by Roberts. The motivation for this combination is to properly and accurately route a call (see abstract).

Regarding claim 19, Gui discloses a service request being transmitted to a second network as disclosed in the rejection of claim 1.

The combined teachings of Gui and Sug do not specifically disclose wherein the mobile station checks whether the terminal belongs to the first network in response to the mobile station being attached to the first network and data transmission being desired between the mobile station and the terminal.

Roberts discloses wherein the mobile station checks whether the terminal belongs to the first network in response to the mobile station being attached to the first network and data transmission being desired between the mobile station and the terminal (**fig 6 Col 4 lines 4-28, wherein the base station system determines the location of a called party/terminal, where the called party is attached to the network if the location is found in the database. Roberts also discloses communicating back to the mobile station the result of the location request).**

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It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the combined teachings of Gui and Sug so as to implement to location query of the called party as disclosed by Roberts. The motivation for this combination is to properly and accurately route a call (see abstract).

6. Claims 8, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guilford et al. (US 7433929) in view of Sugirtharaj (US 6678526), hereinafter referred to as Sug in view of McCanne et al. (US 6901445), hereinafter referred to as McCanne.

Regarding Claim 8, The combination of Gui and Sug do not specifically disclose wherein a location database of the local network is checked to determine whether the terminal of the called number included in the service request is attached to the local network, and said message is transmitted from the local network to the mobile station in response to the terminal not being attached to the local network.

McCanne discloses the location database of the local network being checked to determine whether the terminal of the called number included in the service request is attached to the local network (Col 17 lines 42-53 and Col 18 lines 44-Col 32).

McCanne discloses the message being transmitted from the local network to the mobile station in response to the terminal not being attached to the local network (Col 19 lines 8-Col 28).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the combined teachings of Gui and Sug such that the LAN is capable of sending a message indicating that the service is not available and where a service request should

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be retransmitted as disclosed by McCanne. The motivation for this modification is to deliver content without interruption (**Col 16 lines 45-47**).

Regarding Claim 9, The combined teachings of Gui and Sug does not specifically disclose wherein the called number is associated in the location database with a second number, said message comprises the second number, and the service request comprising said second number being transmitted to the public mobile network

McCanne discloses the called number being associated in the location database with a second number (Col 18 lines 3034), where each service node contains an IP address

McCanne also discloses the message comprising the second number, and the service request comprising the second number being transmitted to the public mobile network (Col 19 lines 8-27), where a redirection message contains a new service nodes IP address (second number).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the combined teachings of Gui and Sug such that the LAN is capable of sending a message indicating that the service is not available and where a service request should be retransmitted as disclosed by McCanne. The motivation for this modification is to deliver content without interruption (**Col 16 lines 45-47**).

7. Claims 10, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugirtharaj (US 6678526), hereinafter referred to as Sug in view Sainton et al. (US RE38,787), hereinafter referred to as Sainton.

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Regarding claim 10, Gui discloses wherein the first network is a local network (fig 2, 2G network is local) and the second network is a public mobile (fig 2, 28 is a public mobile network

the mobile station (fig 2, mobile device), base transceiver stations (fig 2, see base station and controllers) comprised by the local network

a service request is transmitted from the mobile station to the local network for obtaining the data transmission service (Col 14 lines 17-29, service request is sent to home network)

the availability of the data transmission service and the reachability of the terminal in the local network are checked, a connection to the terminal via the local network is established in response to the data transmission service being providable substantially in accordance with the service request (Col 14 lines 13-36, it is determined whether or not another network can more optimally service the request)

and the connection to the terminal via the public mobile network is released (Col 13 lines 1-3, deregistering with the current service provider)

The combined teachings of Gui and Sug do not specifically disclose measuring signal levels and providing a sufficient signal level,

Sainton discloses measuring signal levels and providing a sufficient signal level **(Col 16 lines 32-58, where circuit 1 uses the signal strength of a transmission link such as the strength of the transmission link for the 802.11 or cdma link, and dependent on the signal strength, a carrier is selected).**

It would have been obvious to one of the ordinary skill in the art to modify the wireless unit as disclosed by the combined teachings of Gui and Sug to take into consideration signal

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strengths as disclosed by Sainton. The motivation for this combination is for automatic selection of a carrier.

Regarding Claim 11, The combined teachings of Gui and Sug does not specifically disclose the mobile station measuring signal levels of the base transceiver stations comprised by the public mobile network in response to the local network providing data transmission service to the mobile station, the service request being transmitted from the mobile station to the public mobile network in response to the signal levels of the measured access points or base transceiver stations of the local network being substantially lower than the signal level of the base transceiver station of the public mobile network, and the connection to the local network being released after establishing a connection to the terminal via the public mobile network.

Sainton discloses the mobile station measuring signal levels of the base transceiver stations comprised by the public mobile network in response to the local network providing data transmission service to the mobile station, the service request being transmitted from the mobile station to the public mobile network in response to the signal levels of the measured access points or base transceiver stations of the local network being substantially lower than the signal level of the base transceiver station of the public mobile network, and the connection to the local network being released after establishing a connection to the terminal via the public mobile network **(Col 16 lines 32-58, where circuit 1 uses the signal strength of a transmission link such as the strength of the transmission link for the 802.11 or cdma link disclosed in Gorsuch, and dependent on the signal strength, a carrier is selected).**

It would have been obvious to one of the ordinary skill in the art to modify the wireless unit as disclosed by the combined teachings of Gui and Sug to take into consideration signal

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strengths as disclosed by Sainton. The motivation for this combination is for automatic selection of a carrier.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER P. GREY whose telephone number is (571)272-3160. The examiner can normally be reached on 10AM-7:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Moe Aung can be reached on (571)272-7314. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aung S. Moe/
Supervisory Patent Examiner, Art Unit 2416

/Christopher P Grey/
Examiner, Art Unit 2416